

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Southern

District of New York

(State)

Case number (if known): Chapter 11

☐ Check if this is an amended filing

Official Form 201

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

12/15

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name ABR Builders LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names, and *doing business* as names

3. Debtor's federal Employer Identification Number (EIN) 80 - 0772598

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

39 West 38th Street

Number Street

Suite 1100W

New York

NY

10017

City

State

ZIP Code

Number Street

P.O. Box

City

State

ZIP Code

Location of principal assets, if different from principal place of business

Manhattan

County

Number Street

City

State

ZIP Code

5. Debtor's website (URL) www.abrbuilder.com

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor ABR Builders LLC  
Name

Case number (if known) \_\_\_\_\_

**7. Describe debtor's business**

**A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the above

**B. Check all that apply:**

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)  
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)  
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

**C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.**

**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

**Check one:**

- ☐ Chapter 7  
☐ Chapter 9

☒ Chapter 11. **Check all that apply:**

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every 3 years after that).  
☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ A plan is being filed with this petition.  
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).  
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.  
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

☒ No

☐ Yes. District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY  
District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY

If more than 2 cases, attach a separate list.

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**

☒ No

☐ Yes. Debtor \_\_\_\_\_ Relationship \_\_\_\_\_  
District \_\_\_\_\_ When \_\_\_\_\_  
MM / DD / YYYY  
Case number, if known \_\_\_\_\_

List all cases. If more than 1, attach a separate list.

Debtor ABR Builders LLC  
Name

Case number (if known) \_\_\_\_\_

**11. Why is the case filed in this district?**

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

- ☒ No
- ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention?** (Check all that apply.)

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☐ Other \_\_\_\_\_

**Where is the property?**

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Is the property insured?**

- ☐ No
- ☐ Yes. Insurance agency \_\_\_\_\_

Contact name \_\_\_\_\_

Phone \_\_\_\_\_

**Statistical and administrative information**

**13. Debtor's estimation of available funds**

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

**14. Estimated number of creditors**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000   | <input type="checkbox"/> 25,001-50,000     |
| <input type="checkbox"/> 50-99           | <input type="checkbox"/> 5,001-10,000  | <input type="checkbox"/> 50,001-100,000    |
| <input type="checkbox"/> 100-199         | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999         |  |  |

**15. Estimated assets**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000          | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion     |
| <input type="checkbox"/> \$50,001-\$100,000    | <input type="checkbox"/> \$10,000,001-\$50 million           | <input type="checkbox"/> \$1,000,000,001-\$10 billion  |
| <input type="checkbox"/> \$100,001-\$500,000   | <input type="checkbox"/> \$50,000,001-\$100 million          | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million         | <input type="checkbox"/> More than \$50 billion        |

Debtor	<u>ABR Builders LLC</u>	Case number (if known)	_____
Name			

  

16. Estimated liabilities	<input type="checkbox"/> \$0-\$50,000	<input checked="" type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion
	<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
	<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
	<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion

**Request for Relief, Declaration, and Signatures**

**WARNING** – Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature of authorized representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4 4 19  
MM / DD / YYYY

X

Signature of authorized representative of debtor

Title President

Boleslav Ryzinski

Printed name

**18. Signature of attorney**

X

Signature of attorney for debtor

Date

4 4 19  
MM / DD / YYYY

Leo Fox, Esq.

Printed name

Firm name

630 Third Avenue - 18th Floor

Number Street

New York

City

NY

State

10017

ZIP Code

212-867-9595

Contact phone

leo@leofoxlaw.com

Email address

LF-1947

Bar number

NY

State

**CORPORATE RESOLUTION**

The undersigned is the President of ABR Builders LLC. (the "Corporation") and is authorized to make this certification. The undersigned certifies that on the date noted below, a Special Meeting of the Board of Directors was regularly and duly held at 630 Third Avenue, 18<sup>th</sup> Floor, New York, New York 10017.

At said Meeting, a resolution was passed, as follows:

"**RESOLVED**, that the President be and he hereby is individually authorized and directed to file on behalf of the Corporation an application under Chapter 11 of the Bankruptcy Code and to take all steps necessary and proper for the filing of said application, including the retention of Leo Fox, Esq. located at 630 Third Avenue, 18<sup>th</sup> Floor, New York, NY 10017, as attorneys for that purpose."

Dated: New York, New York  
April 4, 2019



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Boleslaw Ryzinski  
President

Leo Fox, Esq.  
630 Third Avenue, 18<sup>th</sup> Floor  
New York, New York 10017  
(212) 867-9595

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Case No.:

Chapter 11

ABR BUILDERS LLC,

Debtor.

-----X

**DECLARATION PURSUANT TO LOCAL RULE 1007**

STATE OF NEW YORK )

ss.:

COUNTY OF NEW YORK )

***BOLESLAV RYZINSKI*** declares under penalty of perjury:

1. I, Bolek Ryzinski, am a 50% equity owner of the above Debtor, am the President of the above Debtor, a New York limited liability company located at 39 West 38<sup>th</sup> Street, Suite 1100W, New York, New York 10018. This affidavit is submitted by the Debtor-in-Possession, pursuant to the Local Rules of this Court, in connection with filing of a Chapter 11 case by the above Debtor.

2. The Debtor is not a small business debtor within the meaning of the Bankruptcy Code.

3. The Debtor is in the business of being a general contractor engaging in general contracting in New York City and adjoining areas located at 39 West 38<sup>th</sup> Street, Suite 1100W, New York, New York 10018.

4. Expected receipts and disbursements for the next 30 days is attached as Exhibit A summary of the debtor's assets and liabilities are attached as Exhibit B.

5. I have served as President of the Debtor since its inception of the Debtor in 2011. Lukasz Maciak, Vice President, owns the remaining 50% of the Debtor.

6. No property is within the possession of any party other than the Debtor.

7. The Debtor leases the Subject Premises, which is approximately 2,000 square feet under a Lease Agreement dated March 2019 up until March 1, 2024 at a present monthly rent of \$6,000 (the Debtor has a \$17,000 monthly rent but the space has been subleased requiring the Debtor to pay \$6,000 per month). No Warrant of Eviction has been issued.

8. The Debtor's books and records are maintained by the Debtor.

9. No compensation has been paid to the equity partners over the past year. Previously, the equity owners were receiving approximately \$20,000 per month each gross, when the Debtor was able to pay such compensation and those payments will resume when the Debtor can afford to pay such compensation.

10. The problems resulting in this Chapter 11 case arose in connection with the following. The New York State Insurance Fund governing the Workman's Compensation and Disability Insurance has the practice of billing prospectively for such insurance based upon historical data. In 2016 and early 2017, the Debtor had approximately 70 employees. From April of 2017 until April of 2018 the number of the Debtor's employees jumped to approximately 130 employees. Thereafter, the number of Debtor's employees was reduced substantially down to the point that the Debtor has approximately 35 employees at present. Nonetheless, the New York State Insurance Fund determined that the Debtor should be billed an additional \$250,000 for 2018 plus prospectively and additional \$250,000 for 2019 and based solely on the past historical numbers requiring that such bills be paid immediately. The Debtor does not have sufficient funds to make these payments which are required in order to continue to

operate. The Debtor believes that if it can pay for the amounts of its actual employees in 2018 and in 2019 instead of having to pay based on an historical basis, the amounts payable will be affordable and can be paid by the Debtor.

11. In addition, approximately 80% of the jobs that the Debtor is engaged in related to contracts entered into in 2016 and 2017. The Debtor has found that its labor costs have increased by approximately 30% to 35% and its material costs have increased by approximately 20% to 30%. The Debtor has recently obtained two (2) new contracts which are based on the higher numbers and which the Debtor believes will be very profitable and will enable the Debtor to proceed. These two (2) contracts related to construction sites which are owned by entities in which the Debtor's principals have a 35% ownership interest for 402 East 118<sup>th</sup> Street, New York, New York and 34% ownership interest for 336 East 112<sup>th</sup> Street, New York, New York. The Debtor believes the construction contracts have arms-length terms.

12. The Debtor believes that it will be able propose a viable and confirmable Plan of Reorganization, to deal with the creditors, the Debtor's accounts payable and the Debtor's



landlord under a Plan combining the Debtor's proven ability to generate cash flow from the Debtor's operations, as well as from my own sources of funds.

Duly declared under penalty of perjury:  
April 4, 2019

*/s/ Boleslav Ryzinski*

Name: Boleslav Ryzinski

Title: President

**EXHIBIT A**  
**Income 30 days**

<b>Income-Receipts</b>	<b>Income</b>	<b>Sub-Contractors</b>
Net Expected Monthly Receipts (After payments to sub-contractors)		
270 West 73 <sup>rd</sup> Street	\$60,000	
39 Clarkson Gross \$150,000	\$70,000	\$80,000
402 East 118 <sup>th</sup> Street (Gross \$400,000)	\$100,000	\$300,000
336 East 112 <sup>th</sup> Street (Gross \$200,000)	\$60,000	\$140,000
Total	\$290,000	\$520,000

**EXHIBIT B**

**Expenses 30 days**

<b>Expenses</b>	<b>Amount</b>
Payroll	\$140,000
Office	\$30,000
Rent	\$6,000
Taxes	\$20,000
State Insurance	\$20,000
Total	\$216,000